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AMENDMENTS TO LB 120

1                   1.     Strike original section 2 and insert the following  
2 new sections:

3                   "Sec. 2.   Section 37-420, Reissue Revised Statutes of  
4 Nebraska, as amended by section 6, Legislative Bill 54,  
5 Ninety-ninth Legislature, First Session, 2005, is amended to read:

6                   37-420. (1) Any veteran ~~of any war as defined in section~~  
7 ~~30-401.01~~ who is a legal resident of the State of Nebraska and who  
8 was discharged or separated with a characterization of honorable or  
9 general (under honorable conditions) shall be exempt from the  
10 payment of any fees provided by the laws of the State of Nebraska  
11 and established by the commission pursuant to section 37-327 for  
12 the privilege of fishing or hunting in Nebraska if the veteran:

13                   (a) Is rated by the United States Department of Veterans  
14 Affairs as fifty percent or more disabled as a result of service in  
15 the armed forces of the United States;

16                   (b) Is receiving a pension from the department as a  
17 result of total and permanent disability, which disability was not  
18 incurred in the line of duty in the military service; or

19                   (c) Is sixty-five years of age or older.

20                   (2) The exemption described in subsection (1) of this  
21 section shall not extend to the privilege of commercial fishing,  
22 trapping of fur-bearing animals, or hunting for deer, antelope,  
23 wild turkey, or any other species of fish and game on which the  
24 open season is limited to a restricted number of permits or to

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1 special permits for a restricted area or game management unit.

2 (3) If disabled persons are unable by reason of physical  
3 infirmities to hunt and fish in the normal manner, the commission  
4 may issue special permits without cost to those persons to hunt and  
5 fish from a vehicle, but such permits shall not authorize any  
6 person to shoot from any public highway.

7 (4) All permits issued without the payment of any fees  
8 pursuant to this section shall be perpetual and become void only  
9 upon termination of eligibility as provided in this section.

10 (5) The commission may adopt and promulgate rules and  
11 regulations necessary to carry out this section.

12 Sec. 3. Section 37-729, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 37-729. For purposes of sections 37-729 to 37-736:

15 (1) Land includes roads, water, watercourses, private  
16 ways, and buildings, structures, and machinery or equipment thereon  
17 when attached to the realty;

18 (2) Lease means an agreement between an owner of land and  
19 a nonprofit conservation corporation, political subdivision, or  
20 state or federal agency;

21 (3) Owner includes tenant, lessee, occupant, or person in  
22 control of the premises;

23 ~~(3)~~ (4) Recreational purposes includes, but is not  
24 limited to, any one or any combination of the following: Hunting,  
25 fishing, swimming, boating, camping, picnicking, hiking, pleasure  
26 driving, nature study, wildlife viewing including bird viewing,  
27 waterskiing, winter sports, and visiting, viewing, or enjoying

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1 historical, archaeological, scenic, or scientific sites, or  
2 otherwise using land for purposes of the user; and

3 ~~(4)~~ (5) Charge means the amount of money asked in return  
4 for an invitation to enter or go upon the land.

5 Sec. 4. Section 37-733, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 37-733. (1) Unless otherwise agreed in writing, an owner  
8 of land (a) leased ~~to the state for recreational purposes for~~  
9 ~~recreational purposes or wildlife benefits by any nonprofit~~  
10 ~~conservation corporation, political subdivision, or state or~~  
11 ~~federal agency or (b) receiving wildlife habitat improvement~~  
12 ~~payments from any nonprofit conservation corporation, political~~  
13 ~~subdivision, or state or federal agency~~ owes no duty of care to  
14 keep that land safe for entry or use by others or to give warning  
15 to persons entering or going upon such land of any hazardous  
16 conditions, uses, structures, or activities thereon. ~~An~~

17 (2) Such owner ~~who leases land to the state for~~  
18 ~~recreational purposes~~ shall not by giving such lease or receiving  
19 such wildlife habitat improvement payment (a) ~~(1)~~ extend any  
20 assurance to any person using the land that the premises are safe  
21 for any purpose, ~~(2)~~ (b) confer upon such persons the legal status  
22 of an invitee or licensee to whom a duty of care is owed, or ~~(3)~~  
23 (c) assume responsibility for or incur liability for any injury to  
24 person or property caused by an act or omission of a person who  
25 enters upon the leased land.

26 (3) The provisions of this section shall apply whether  
27 the person entering upon the leased land is an invitee, licensee,

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1 trespasser, or otherwise.

2           Sec. 5.     Section 37-734, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           37-734. Nothing in sections 37-729 to 37-736 limits in  
5 any way any liability which otherwise exists (1) for willful or  
6 malicious failure to guard or warn against a dangerous condition,  
7 use, structure, or activity or (2) for injury suffered in any case  
8 where the owner of land charges the person or persons who enter or  
9 go on the land. ~~Rental paid by a group, organization, corporation,~~  
10 ~~or the state or federal government shall not be deemed a charge~~  
11 ~~made by the owner of the land.~~ Lease payments for recreational  
12 purposes or wildlife benefits or wildlife habitat improvement  
13 payments made by any nonprofit conservation corporation, political  
14 subdivision, or state or federal agency shall not be deemed a  
15 charge made by the owner of the land.

16           Sec. 6.     Sections 1, 2, and 7 of this act become  
17 operative on January 1, 2006. The other sections of this act  
18 become operative on their effective date.

19           Sec. 7.     Original section 54-2419, Reissue Revised  
20 Statutes of Nebraska, and section 37-420, Reissue Revised Statutes  
21 of Nebraska, as amended by section 6, Legislative Bill 54,  
22 Ninety-ninth Legislature, First Session, 2005, are repealed.

23           Sec. 8.     Original sections 37-729, 37-733, and 37-734,  
24 Reissue Revised Statutes of Nebraska, are repealed.

25           Sec. 9.     Since an emergency exists, this act takes effect  
26 when passed and approved according to law.".